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December 18, 2023

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: *Huzhou Chuangtai Rongyuan Investment Management Partnership, et al. v. Hui Qin*, Case No. 21 Civ. 9221 (KPF) – **Petitioners’ Request for Leave to File Documents with Redactions and Under Seal**

Dear Judge Failla:

We write on behalf of Petitioners Huzhou Chuangtai Rongyuan Investment Management Partnership, Huzhou Huihengying Equity Investment Partnership, and Huzhou Huirongsheng Equity Investment Partnership (“Petitioners”) to request leave to file certain documents with redactions and certain documents under seal, pursuant to the parties’ Stipulated Protective Order dated January 3, 2023, Dkt. No. 92.

In conjunction with Petitioners’ Reply in Support of Petitioners’ Second Motion for Attorneys’ Fees and Costs (“Reply”) filed contemporaneously herewith, Petitioners respectfully request to file their Memorandum of Law in Support of Petitioners’ Reply (the “Memorandum of Law”) and the Declaration of Carol Lee in Further Support of Petitioners’ Second Motion for Attorneys’ Fees and Costs (“Lee Decl.”) with redactions pursuant to Rule 9(B) of Your Honor’s Individual Rules of Practice in Civil Cases. Petitioners respectfully request to file under seal the following exhibits to the Lee Decl. pursuant to Rule 9(C) of Your Honor’s Individual Rules of Practice in Civil Cases:¹

Exhibit	Description
Lee Decl.	A copy of an email from Bejamin B. Xue to Qin copying Michael Romero
Ex. 1	dated April 4, 2022 marked Confidential and produced in this action

¹ Petitioners seek to file the following documents under seal to be accessed by Your Honor and Respondent Hui Qin (“Qin”).

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Lee Decl. Ex. 2	A copy of an email from Xintong Zhang to Qin copying Amiad Kushner and Robert Seiden, dated October 5, 2022 marked Confidential and produced in this action
Lee Decl. Ex. 3	A copy of an email from Benjamin B. Xue to Qin and Amiad Kushner copying Andrew Sklar and Xintong Zhang, dated November 16, 2022 marked Confidential and produced in this action
Lee Decl. Ex. 4	A copy of an email from Xintong Zhang to Qin copying Robert Seiden, Steven Seiden, Amiad Kushner and Richard Frankel, dated April 18, 2022 marked Confidential and produced in this action
Lee Decl. Ex. 5	A copy of an invoice issued by Seiden Law LLP to Qin, dated March 31, 2023 marked Confidential and produced in this action
Lee Decl. Ex. 6	A copy of an invoice issued by Seiden Law to Qin, dated July 5, 2022 marked Confidential and produced in this action
Lee Decl. Ex. 7	A copy of an invoice issued by Seiden Law LLP to Qin, dated August 31, 2023 marked Confidential and produced in this action
Lee Decl. Ex. 8	A copy of an invoice issued by Seiden Law to Qin, dated June 30, 2023 marked Confidential and produced in this action
Lee Decl. Ex. 9	A copy of an invoice issued by Seiden Law LLP to Qin, dated February 28, 2023 marked Confidential and produced in this action
Lee Decl. Ex. 10	A copy of an invoice issued by Seiden Law LLP to Qin, dated April 30, 2023 marked Confidential and produced in this action

Pursuant to Rule 9 of Your Honor's Individual Rules of Practice in Civil Cases, a party seeking to file a document under seal must address the presumption in favor of public access to judicial documents. The Second Circuit set forth the relevant standard *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Under *Lugosch*, “[t]here is a common law presumption in favor of permitting public access to judicial documents, which are those documents ‘relevant to the performance of the judicial function and useful in the judicial process.’” *GoSMiLE, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649 (S.D.N.Y. 2011) (quoting *Lugosch*, 435 F.3d at 119). A court balances this common law presumption of access against competing comparisons, including “the privacy interests of those resisting disclosure.” *Lugosch*, 435 F.3d at 120 (quoting *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)). Thus, the issue is whether “the privacy interests of the defendants outweigh the presumption of public access.” *GoSMiLE*, 769 F. Supp. 2d at 649-50.

Here, the Memorandum of Law, Lee Decl. and Exhibits 1-10 each contain sensitive personal and/or financial information, such as Qin's bank account information, addresses and invoices from Seiden Law LLP. All of these documents were also marked Confidential by Qin and Seiden Law LLP pursuant to the Stipulated Protective Order. The parties' interest in protecting confidential information, specifically sensitive business information that pertains to their clients as well as Qin's personal information, overcomes the presumption of access. Indeed, Your Honor has previously granted Petitioners' request to file under seal certain exhibits to protect certain sensitive personal and/or financial information, which was clearly visible. See Dkt. 112.

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Because these documents contain confidential information of the kind that is deserving of protection and restricting public access, Petitioners respectfully request that the Court grant their request to redact the Memorandum of Law, Lee Decl. and to file Lee Decl. Exhibits 1-10 under seal.

Respectfully submitted,

/s/ Geoffrey Sant
Geoffrey Sant

cc: All counsel of record (via ECF)

Application GRANTED. The Clerk of Court is directed to maintain docket entries 346 and 348 under seal, viewable to the Court and parties only.

The Clerk of Court is further directed to terminate the pending motion at docket entry 344.

Dated: December 19, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE